



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

October 16, 2019

Antonio J. Calabrese
DLA Piper LLP (US)
One Fountain Square
11911 Freedom Dr., Suite 300
Reston, Virginia 20190

**RE: Rezoning, Proffered Condition Amendment, and Special Exception Applications
RZ 2017-PR-010, PCA 2010-PR-014D and SE 2018-PR-013
Tysons Development LLC
Providence District**

Dear Mr. Calabrese:

Enclosed you will find copies of the Ordinances adopted by the Board of Supervisors at a regular meeting held on October 15, 2019. The Board approved Rezoning Application RZ 2017-PR-010, subject to the executed Proffers dated October 7, 2019.

The Board also approved Proffered Condition Amendment Application PCA 2010-PR-014D.

The Board also approved Special Exception Application SE 2018-PR-013, subject to the following Development Conditions, dated September 23, 2019:

1. This Special Exception (SE) is granted for and runs with the land indicated in this application and is not transferrable to other land.
2. This Special Exception is granted exclusively to permit additional FAR within the structure identified as The View at Tysons, Building C-3, which is also the subject of Final Development Plan FDP 2017-PR-010, accompanying this application. The building utilizing the additional FAR shall be constructed in substantial conformance with the Final Development Plan, as qualified by these development conditions.
3. This Special Exception permits an additional 451,032 square feet of office floor area within the structure identified on the Final Development Plan as Building C-3. Inclusive of this additional floor area, the total office floor area for The View shall not exceed 1,433,139 square feet as further articulated on Sheet C-03(C) of the Conceptual/Final Development Plan.

Department of Clerk Services
Clerk to the Board of Supervisors
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Fairfax, Virginia 22035

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<http://www.fairfaxcounty.gov/hosc/clk>

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The Applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-629 of the Zoning Ordinance, this special exception shall automatically expire, without notice, ten (10) years after the date of approval unless, at a minimum, the core and shell final inspection(s) for the building(s) have been approved. The Board of Supervisors may grant additional time subject to the conditions as noted within Paragraph 6 of Section 9-629.

The Board also:

- Modified Section 2-505 of the Zoning Ordinance to permit structures and/or plantings on a corner lot at an intersection as shown on the CDP/FDP and as proffered
- Waived Section 6-506 of the Zoning Ordinance to permit a district size of less than ten acres
- Modified Section 11-203 of the Zoning Ordinance to permit the minimum number of required loading spaces as shown on the CDP/FDP
- Waived Section 17-201.3.A. of the Zoning Ordinance to eliminate the service drive adjacent to a primary highway
- Pursuant to the terms of Proffers 61 and 63, by which the Board will determine the ultimate use for the athletic field and public facilities contributions, the Board directed staff allocate the athletic field contributions (Proffer 61) and the public facility contributions (Proffer 63) for the design and/or construction of a Tysons Community Center/affordable housing on Tax Map 29-3 ((1)) 57B
- Directed staff to place the aforementioned Tysons Community Center/affordable housing on the Capital Improvements Plan (CIP)

Please note that on October 10, 2019, the Planning Commission approved Final Development Plan Application FDP 2017-PR-010 subject to the Development Conditions dated October 7, 2019.

Supporting documentation for this case can be found on the following link:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/boardfinalactions/cy-2019/bosfinalactions.pdf>

Antonio J. Calabrese
October 16, 2019

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Sincerely,



Jill G. Cooper
Clerk for the Board of Supervisors

Cc: Supervisor Linda Q. Smyth, Providence District
Thomas Reed, Director, Real Estate Division, Dept. of Tax Administration
Tracy D. Strunk, Director, Zoning Evaluation Division, Dept. of Planning and Development
Mavis Stanfield, Deputy Zoning Administrator, Dept. of Planning and Development
Michael Liddle, Director, GIS Services, Department of Information Technology
Jeff Hermann, Section Chief, Transportation Planning Division
Andrea Dorlester, Park Planning Branch Manager, FCPA
Abdi Hamud, Program Administrator, DHCD/Design Development Division
Jessica Gillis, Coordinator, Facilities Planning, Fairfax County Public Schools
Michael Guarino, Chief Capital Projects Sections, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on October 15, 2019 the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-PR-014D
(Concurrent with Rezoning Application RZ 2017-PR-010 and Special Exception
Application SE 2018-PR-013)**

WHEREAS, Tysons Development LLC filed in the proper form an application to amend the proffers for RZ 2010-PR-014-D hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 15th day of October 2019.



Jill G. Cooper
Clerk for the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on October 15, 2019 the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
REZONING APPLICATION NUMBER RZ 2017-PR-010
(Concurrent with Proffered Condition Amendment Application PCA 2010-PR-014D
and Special Exception Application SE 2018-PR-013**

WHEREAS, Tysons Development filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the C-7, I-5, PTC, HC and SC Districts to the PTC, HC and SC Districts

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

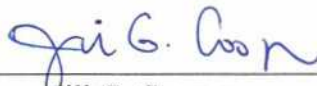
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be and hereby is, zoned to the PTC, HC and SC Districts and said property is subject to the use regulations of said PTC, HC and SC Districts and further restricted by the conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 15th day of October 2019.



Jill G. Cooper

Clerk for the Board of Supervisors